Remarks

Claims 19-24, 27-46, and 49-64 are pending in the application. Claims 19-20, 23-24, 27-28, 30, 31-44, 46, 51 and 56 are currently amended. Claims 51 and 56 have been amended to correct typographical errors. Claims 47-48 have been cancelled. Applicants reserve the right to present any canceled subject matter in one or more continuation or divisional applications.

The Examiner has objected to claims 45, 47 and 48 as being duplicates of each other. In response to the Examiner's objection, claims 47 and 48 have been cancelled.

Claim Rejections under 35 U.S.C. § 112

Claims 19-24 and 27-64 are rejected under 35 U.S.C. § 112 first paragraph as not being enabling for the prophylaxis of HIV infection. Solely to promote prosecution, Applicant has amended claims 19-20, 23-24 and 27-28 to remove the term "or prophylaxis". This amendment overcomes the Examiner's objection to the claims.

Claim Rejections under 35 U.S.C. § 103

Claims 19-24, 27-32, 45, 47-51 and 53-56 are rejected as being unpatentable over Williams et al. (USPN 5,527,819). Applicant respectfully disagrees. Williams teaches inhibition of HIV reverse transcriptase using the compounds disclosed therein. The compounds disclosed in Williams are either unsubstituted or mono-substituted on the phenyl ring of the indole. Williams does not disclose or suggest that the phenyl ring of the indole may have more than one substituent or that additional substitution would provide a compound that would be an active inhibitor of HIV Reverse Transcriptase. The numerous substitution possibilities disclosed in Williams direct to modifications of the compounds at positions other than the phenyl ring of the indole. Williams teaches substitution at the 2- and 3- and 5-positions of the indole but not at the 4-, 6- and 7-positions on the phenyl ring. The compounds claimed are not obvious homologs of the compounds disclosed in Williams. There is no suggestion that additional substitution at the 4-, 6- and 7-positions of the indole ring would yield compounds active against HIV infection. In view of Williams, one of ordinary skill in the art would have been motivated away from

including two substituents on the phenyl ring of the indole since there is no suggestion of the desirability of compounds having two or more substituents on the phenyl ring. Therefore, Williams does not render the current claims obvious.

The Examiner's attention is directed to an article by Balani et al ("Biotransformation of 5-Chloro-3-phenylthioindole-2-carboxamide (L-734,005) in Rhesus Monkeys and Rat Liver Microsomes to a Potent HIV-1 Reverse Transcriptase Inhibitor" *Drug Metab. Disp.*, 21(4), 598-604, Jul.-Aug. 1993) cited as AP in the Information Disclosure Statement submitted by Applicant. This article discloses a metabolite of L-734,005 that has a 6-hydroxy substituent on the phenyl ring of the indole. Claims 19, 20, 23-24, 27-28, 30, 31-44 and 46 have been amended to distinguish the claimed methods from methods using a compound with the substitution pattern of compound M2B. The metabolite, titled M2B was isolated from plasma samples from monkeys dosed with the parent compound, L-734,005 and from an ethyl acetate extract of a rat liver microsomal incubate. The article discusses that the HPLC effluents containing M2B were relatively inactive in a bioassay for HIV-1 reverse transcriptase inhibition (p. 600). Based on this finding, one skilled in the art would be directed away from compounds having two or more substituents on the phenyl ring of the indole. This disclosure further supports that Williams does not render the current claims as obvious.

Conclusion

Applicant respectfully submits that the current amendment overcomes the Examiner's rejections. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account 11-0980.

Respectfully submitted,
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